

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

July 25, 2007  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor James M. Cavanaugh, Goodyear, Chair	Mayor Thomas Schoaf, Litchfield Park
Councilmember Wayne Ecton for Mayor	Supervisor Don Stapley, Maricopa County
Mary Manross, Scottsdale, Vice Chair	Mayor Keno Hawker, Mesa
* Councilmember Robin Barker, Apache Junction	* Mayor Ed Winkler, Paradise Valley
Mayor Marie Lopez Rogers, Avondale	Mayor Bob Barrett, Peoria
Mayor Bobby Bryant, Buckeye	Councilmember Peggy Neely, Phoenix
* Mayor Wayne Fulcher, Carefree	Mayor Art Sanders, Queen Creek
Councilmember Dick Esser, Cave Creek	* President Joni Ramos, Salt River
# Mayor Boyd Dunn, Chandler	Pima-Maricopa Indian Community
Mayor Fred Waterman, El Mirage	Mayor Joan Shafer, Surprise
* President Raphael Bear, Fort McDowell	* Mayor Hugh Hallman, Tempe
Yavapai Nation	* Mayor Adolfo Gamez, Tolleson
Mayor Wally Nichols, Fountain Hills	# Mayor Ron Badowski, Wickenburg
* Mayor Fred Hull, Gila Bend	Mayor Michael LeVault, Youngtown
* Governor William Rhodes, Gila River Indian	* Joe Lane, State Transportation Board
Community	Felipe Zubia, State Transportation Board
Mayor Steven Berman, Gilbert	# F. Rockne Arnett, Citizens Transportation
* Mayor Elaine Scruggs, Glendale	Oversight Committee
* Mayor Bernadette Jimenez, Guadalupe	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Cavanaugh noted those participating by teleconference: Mayor Boyd Dunn, Chandler; Mayor Ron Badowski, Wickenburg; Roc Arnett, CTOC; and Vice Mayor Gail Barney as proxy for Mayor Art Sanders, Queen Creek. He noted that Councilmember Wayne Ecton was proxy for Mayor Mary Manross, Scottsdale.

Chair Cavanaugh noted materials at each place: for agenda items #5C, #5E, #5I, #6A, #6B, and #6C, a memorandum reporting the unanimous recommendations on these items by the Transportation Policy Committee; for agenda item #5I, the summary transmittal was revised to reflect that there was one “No” vote at the Management Committee meeting. Chair Cavanaugh stated that parking validation and transit tickets were available from MAG staff.

#### 4. Call to the Audience

Chair Cavanaugh noted that according to MAG’s public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Cavanaugh recognized public comment from Dianne Barker, who expressed thanks for the transit tickets. She stated that she is trying to do her share regarding pollution and would probably take six buses that day. Ms. Barker stated that CTOC is not doing its legislative duty to do an annual audit of projects funded by RARF. She commented on the video on proposed improvements to I-10 that was shown after last month’s meeting, and said that the region needs multimodal options. Chair Cavanaugh thanked Ms. Barker for her comments.

#### 4. Executive Director’s Report

Dennis Smith, MAG Executive Director, reported on the STAN II legislation (HB 2793) passed by the Legislature and signed by the Governor. He said that one of the elements of the legislation was to clarify that interest expense incurred for the acceleration of a transportation project may be reimbursed. Mr. Smith noted that \$10 million of the STAN II funding was allocated for this purpose. He reported that the I-10 acceleration project approved by the Regional Council in April 2006 is now ready to go out to bid by ADOT; however, ADOT cannot sign the grant agreement with FHWA because the amount of federal funds is not known. Mr. Smith advised that the Grant Agreement has to be signed before ADOT goes out to bid. He added that ADOT had originally planned to award the construction contract for the I-10 project in early fall 2007. Mr. Smith announced that August meetings of Management Committee, Transportation Policy Committee, and the Regional Council, are scheduled to consider the Stan II legislation.

Councilmember Neely asked if only the I-10 project was being considered for the STAN funds. Mr. Smith replied that any project received would be considered. Councilmember Neely asked the process

for submitting projects. Mr. Smith stated that this was not an agenda item and according to MAG's General Counsel, having significant discussion would not comply with the open meeting law. Mr. Smith stated that a request for projects could be sent out. Councilmember Neely said that she would like to see an application process followed for allocating these funds.

Mayor Hawker asked who sets the Transportation Policy Committee agenda. Mr. Smith replied that the Chair sets the agenda. Mayor Hawker asked if the Chair was in concurrence with this item being on the agenda. Mr. Smith replied that the agenda had not yet been drafted and staff would continue to stay in communication with her office. Mayor Hawker commented that it was unusual to reference just the I-10 project. Mayor Hawker asked what other items would be on the agenda and if these items could be delayed to September. Mr. Smith replied there was a material cost change, a consultant contract for AZ-SMART, a resolution of regional support for the homeless overflow shelter, and an update on the Interstate 10-Hassayampa Valley Transportation Framework Study, among others. Mr. Smith said that the original intent was not to have August meetings.

Mr. Smith stated that a flyer was at each place announcing a regional conference addressing the questions and implications brought about by immigration in the Southwest, hosted by ASU Ramsey Executive Education Program. He stated that the event will be held September 26-28th at the Phoenix Crowne Plaza Hotel, I-17 & Peoria Avenue in Phoenix.

Mr. Smith announced that MAG has received the Government Finance Officers' Award "Certificate of Achievement for Excellence in Financial Reporting" for the FY 2006 Comprehensive Annual Financial Report (CAFR).

Mr. Smith noted the departure of two MAG staff members: Denise McClafferty, who was moving back to Pittsburgh, and Matthew Clark, who accepted a position at the City of Mesa.

Mr. Smith expressed his thanks to Mr. Zubia and the State Transportation Board, who unanimously voted to allocate \$7 million of ADOT funds for the statewide framework studies, to be used in the Building a Quality Arizona effort. Chair Cavanaugh thanked Mr. Smith for his report. No further questions from the Council were noted.

#### 6A. FY 2007 MAG Final Phase Public Input Opportunity

This item was taken out of order.

Jason Stephens, MAG Public Involvement Planner, provided the Council with the input received on the draft FY 2008-2012 Transportation Improvement Program (TIP) and draft Regional Transportation Plan - 2007 Update. Mr. Stephens noted that this input is included in the Final Phase Input Opportunity Report.

Mr. Stephens stated that MAG has a four-phase public involvement process: Early Phase, Mid Phase, Final Phase, and Continuous Involvement. Mr. Stephens stated that opportunities provided for public input included MAG policy committees, the Juneteenth History Festival, and the Final Phase transportation open house and public hearing, which was held on June 18, 2007. He reviewed some of the comments received during the Final Phase. Chair Cavanaugh thanked Mr. Stephens for his report. No comments from the Council were noted.

Mayor Shafer moved to accept the Draft FY 2007 MAG Final Phase Public Input Opportunity Report. Councilmember Esser seconded, and the motion carried unanimously.

5. Approval of Consent Agenda

Chair Cavanaugh stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Council can request that an item be removed from the consent agenda and considered individually. He noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I and #5J were on the consent agenda. Chair Cavanaugh stated that after conferring with Mayor LeVault, they recommended removing item #5F, Appointment of Member to the Transportation Policy Committee, from the agenda. He said that this would allow time for MAG's General Counsel to clarify the proper procedure and eliminate confusion over the appointment of individuals to the Transportation Policy Committee when someone leaves the Committee. Chair Cavanaugh said that there were different interpretations of the policy whether the seat stays with the person or the agency. He asked Council members if they had any objections.

Mayor Barrett submitted a 2003 letter that he asked be provided to MAG's General Counsel. He stated that the letter says the TPC seat stays with the jurisdiction, not the person.

Councilmember Neely asked if this situation had ever occurred before. Chair Cavanaugh replied that it had. He added that confusion has arisen if the seats to provide geographic balance stay with the person or the jurisdiction. Chair Cavanaugh stated that he thought it better to get a legal opinion.

Mayor Waterman stated that he did not want the seat to go unfilled for any longer than necessary. Chair Cavanaugh commented that he hoped there would be an understanding by the August meeting.

Chair Cavanaugh asked members if they had any questions or any requests to hear an item individually. Mayor Waterman requested that agenda items #5G and #5I be removed from the consent agenda.

With no further requests, Chair Cavanaugh asked for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, and #5J. Councilmember Neely moved, Mayor Shafer seconded, and the motion carried unanimously.

5A. Approval of the June 27, 2007 Meeting Minutes

The Regional Council, by consent, approved the June 27, 2007 meeting minutes.

5B. Enhancement Funds Working Group Round XV Recommendations

The Regional Council, by consent, forwarded the ranked applications from the MAG Enhancement Funds Working Group to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee. The MAG Enhancement Funds Working Group was formed by the MAG Regional Council in April 1993 to review and recommend a ranked list of Enhancement Fund applications from this region to the State Transportation Enhancement Review Committee (TERC). This year, nine applications for local funds were received totaling \$3,330,247 with

approximately \$8 million available statewide. Two applications for state funds were received totaling \$1,940,476 with approximately \$4 million available statewide. The MAG Enhancement Funds Working Group and the MAG Management Committee recommended that the attached ranked applications be forwarded to the Arizona Department of Transportation for consideration by the TERC.

5C. Proposed Major Amendment to Delete SR 153 from the MAG Regional Transportation Plan

The Regional Council, by consent, approved the proposed amendment to the Regional Transportation Plan to delete SR 153 and use the available funding for improvements to SR 143 and that the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program be amended subject to the necessary air quality conformity analysis. On May 23, 2007, the MAG Regional Council requested consultation on the proposed major amendment to the Regional Transportation Plan to delete SR 153, the Sky Harbor Expressway and use the available funding for improvement to SR 143. Formal comment on the proposed major amendment is required from the State Transportation Board, the Regional Public Transportation Authority (RPTA), and the Maricopa County Board of Supervisors. Cities and towns, Indian communities, and the Citizens Transportation Oversight Committee (CTOC) may also provide comments. On June 15, 2007, the State Transportation Board recommended approval. On June 18, 2007, the Maricopa County Board of Supervisors recommended approval and on June 21, 2007 the Regional Public Transportation Authority also recommended approval of the proposed major amendment. The MAG Management Committee and the Transportation Policy Committee recommended approval.

5D. Federal Fiscal Year (FFY) 2007 Final Closeout

The Regional Council, by consent, approved the final closeout of Federal FY 2007. During the interim closeout process, member agencies submitted projects to defer projects to a later year and/or remove federal funds from projects, and submitted projects to utilize the FFY 2007 closeout funds. Regional Council approved the interim closeout on June 27, 2007. In addition to Regional Council's approval, the Management Committee approved four projects to be deferred/remove federal funds on July 11, 2007. Since the Management meeting, five additional projects have been identified to be deferred.

5E. Amendment to the FY 2007-2011 MAG Transportation Improvement Program

The Regional Council, by consent, approved an Amendment to the FY 2007-2011 MAG Transportation Improvement Program, as listed on the attached table. The FY 2007-2011 MAG Transportation Improvement Program (TIP) was approved by the MAG Regional Council on July 26, 2006. Since that time, two projects have been identified that need to be amended into the TIP. An amendment is required to add two City of Phoenix projects related to bridge management computer software and bridge inspection equipment rental, which will be funded with local and Bridge-Federal Funds. These projects were recommended for approval by the MAG Transportation Review Committee and the Transportation Policy Committee.

5J. On-Call Consulting List for the Socioeconomic Information Enhancement Project

The Regional Council, by consent, approved the list of on-call consultants, Applied Economics, Arizona State University, ECONorthwest, Planning Technologies and Technology Associates, for the MAG Socioeconomic Information Enhancement Project, for a total amount not to exceed \$290,000. On May 14, 2007, the MAG Executive Committee approved the consolidation of three projects in the FY 2007 MAG Unified Planning Work Program to conduct a Socioeconomic Information Enhancement Project at a cost not to exceed \$290,000. The purpose of the project is to enable MAG to maintain state-of-the-art projections models and to support socioeconomic and transportation planning needs. MAG issued a Request for Qualifications to create an On-Call Consulting List for the project and received six Statements of Qualifications (SOQs). A multi-agency evaluation team reviewed the SOQs and unanimously recommended to MAG that the following firms be included on a MAG On-call consulting list for the Socioeconomic Information Enhancement Project: Applied Economics, Arizona State University, ECONorthwest, Planning Technologies and Technology Associates. The MAG Management Committee recommended approval.

5I. Amendment of the FY 2007-2011 MAG Transportation Improvement Program to Include the Prioritized List of Proposed PM-10 Paving Projects

This item was removed from the consent agenda.

Dean Giles, MAG Air Quality Planning Program Specialist, reported that on May 23, 2007, the MAG Regional Council approved thirteen additional measures for the Suggested List of Measures to Reduce PM-10 Particulate Matter. He noted that one of the new measures is that MAG allocate \$5 million in FY 2007 MAG federal funds matched on a fifty/fifty basis by MAG member agencies for paving dirt roads and shoulders projects. Mr. Giles stated that PM-10 Paving Projects were solicited from member agencies in the Maricopa PM-10 Nonattainment Area and 11 applications requesting \$6,044,673 in FY 2007 CMAQ funding were received. He said that on June 28, 2007, the MAG Air Quality Technical Advisory Committee (AQTAC) recommended adding \$1.044 million to fund all of the projects on the prioritized list of proposed PM-10 paving projects. Mr. Giles noted that the MAG Management Committee and Transportation Policy Committee concurred with the recommendation.

Mayor Waterman asked if this money was for both new and old projects. Mr. Giles replied that a solicitation process was conducted that called for new projects.

Mayor Waterman moved to approve agenda item #5I, and that it be extended to the final amount of \$7,144,679, to include the two El Mirage road projects on Desert Cove at 127th Avenue and 125th Avenue that should have been included in this funding. Councilmember Esser seconded the motion for discussion.

Mayor Waterman stated that there were two separate CMAQ funds for PM-10. He said that on September 16, 2006, El Mirage submitted two projects for a little more than \$2.9 million and received \$381,031 for FY 2009. Mayor Waterman stated that the City of El Mirage is requesting \$1,451,037 under the fifty/fifty requirement, less the \$381,031 already received, for a total of \$1,070,006, for the two El Mirage road projects on Desert Cove at 127th Avenue and 125th Avenue. Mayor Waterman

stated that there seems to be a question if the City applied for this funding. He said that the City thought that those projects submitted in the original application would be funded. Chair Cavanaugh asked Mayor Waterman to confirm that his motion was to add \$1,070,006 to the requested action. Mayor Waterman replied that was correct.

Mayor Berman asked the source of funds that could be used to cover the El Mirage projects. Mr. Smith replied that \$5 million was set aside in May in response to the air quality emergency. He said that the funds came from projects that were not going forward this year. Mr. Smith noted that when the request for dirt road projects was transmitted, it noted there would be a quick procurement for the \$5 million in funding. He noted that all projects that applied in that procurement were funded. Mr. Smith stated that the El Mirage projects were submitted in Fall 2006, under a separate process and were never submitted in the May 2007 round. He advised that the request to fund the two El Mirage projects was put forward to the Management Committee and they voted no.

Mayor Berman asked Mayor Waterman if these were new projects. Mayor Waterman stated that in the first round, the two projects requested just under \$3 million and received approximately \$381,000. He said they were expecting to get more so they could complete paving of the dirt roads.

Mayor Berman asked if the El Mirage projects would be taking money away from someone else's project. Mr. Smith replied that this was not new money. To fund these projects is spending money we already have. Mr. Smith explained how each year, some projects are not ready to proceed. This year, the amount of projects is larger than usual, mostly as a result of the delay of the \$20 million Northern Avenue Parkway project. Mr. Smith noted that the usual amount deferred is about \$10 million, but it is sometimes as low as \$2 million. Mr. Smith stated that it is unknown exactly which projects will be ready to obligate next year. He advised that it is an issue of how much risk do we want to take. He added that the idea of allocating the \$5 million was to get new projects to fight air quality problems.

Councilmember Neely asked the amount of money available. She noted that the Goodyear project bumped the total to \$6 million from \$5 million. Mr. Smith noted that Mr. Anderson indicated to the Management Committee that \$6 could probably be covered, but staff is unsure if \$7 million could be accommodated.

Councilmember Neely commented that deviating from the process pits one against the other. She expressed that she had problems with the motion that was on the floor and a couple of other items on the agenda.

Councilmember Esser asked that the motion be restated. Mayor Waterman stated that the motion is to amend the FY 2007-2011 MAG Transportation Improvement Program to include the City of El Mirage road projects on Desert Cove at 127th Avenue and 125th Avenue, for an amount of \$1,070,006, and the Prioritized List of Proposed PM-10 Paving Projects totaling \$6.044 million and to fund the projects by adding \$1.044 million of FY 2007 MAG federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds to the previously approved \$5 million of CMAQ funds for the projects, for a total of \$7,144,679.

Mayor Hawker commented that if the dollar amount is increased, that could affect the ability to build roads. He asked if it was made clear that to receive funding from the \$5 million, projects had to be resubmitted and they did not carry forward from previous submissions. Mr. Smith replied that was correct.

Mayor Hawker asked if this project was analyzed on a cost per ton basis. Mr. Giles stated that when the process was conducted, an emissions reduction and cost effectiveness number was generated. He noted that the cost effectiveness numbers for the two El Mirage projects were \$2,700 and \$2,900 per metric ton.

Mayor Hawker asked if other projects were submitted last year that could be considered. Mr. Giles replied that there was one other project that did not receive funding in 2009, a project in Surprise. Mayor Hawker stated that if a jurisdiction did not follow the process by not resubmitting its projects, he felt it was out of luck. Mayor Hawker asked the cost and ranking of the Surprise project. Mr. Giles replied that the City of Surprise requested \$2,082,500; of that amount, Surprise received \$535,688. He noted that the cost effectiveness was \$1,444 per metric ton. Mayor Hawker commented that it would be more beneficial to fund the Surprise project based on cost effectiveness. Mayor Hawker stated that this was opening up something that he did not feel comfortable doing and he did not like it when the cost effectiveness exceeds \$3,000.

Mayor Waterman asked if all projects were funded in the original application. Mr. Giles replied that they were not. Mayor Waterman asked why it was necessary to seek out additional projects instead of using the list of projects cities already submitted but were not funded. Mr. Giles replied that there were a number of changes from the Fall 2006 process and the May 2007 process, including a change in the match ratio from 70:30 to 50:50. He said that there was no way of knowing if a city still wanted to pursue the projects submitted in 2006 without a resubmission.

Chair Cavanaugh called for a vote on the motion, which failed, with Mayor Waterman voting yes.

Mayor Hawker moved approval to amend the FY 2007-2011 MAG Transportation Improvement Program to include the Prioritized List of Proposed PM-10 Paving Projects, with the exception of the allocation to the City of Goodyear project of \$1,201,750 and to maintain the total amount of \$5 million, and if additional funds are available, go out with a request for projects. Councilmember Esser seconded.

Chair Cavanaugh stated that the Goodyear project was removed from the list of projects to be funded by the \$5 million, not for technical reasons, but for a numbers reason. He explained that the total amount of projects submitted totaled more than \$6 million. Chair Cavanaugh stated that Goodyear's project was not at the bottom of the list, more near the middle, but its cost was about \$1 million, and so it was removed. He stated that he wrote a letter to the Management Committee alerting them that because of the PM-10 issues, all of the projects submitted should be funded and urging additional funds be set aside. Chair Cavanaugh commented that it was not that the Goodyear project was not valid, but by excluding it, they got to the \$5 million, the amount of funds available.

Mr. Arnett departed the meeting.



Mayor Hawker commented that the Goodyear project at a cost effectiveness per metric ton rating, exceeds \$3,000 and was not in the middle of the rankings. He added that the only project that is a higher cost is the Phoenix/Maricopa County project, which was approved because of its proximity to the monitor. Mayor Hawker commented on using the cost per ton reduction as cost effectiveness criteria.

Mayor Waterman stated that the request by the City of El Mirage was certainly not an attempt to take money from any other jurisdiction. He said that he had brought this up because of concerns over not addressing the PM-10 issue. Mayor Waterman stated that FHWA may come back and say MAG did not address the PM-10 problem correctly by not taking care of all of the roads that were submitted. Mayor Waterman stated that this issue is not being looked at as a PM-10 issue.

Chair Cavanaugh stated that the Air Quality Technical Advisory Committee recommendation was based on a city's project being closer to the monitor. He added that this project and Goodyear's were about the same amount of money. He stated that he thought the EPA would find that objectionable because it wants to reduce PM-10 across the board, not just at monitors.

With no further discussion, the vote on the motion passed by a vote of 13 yes and six no.

Chair Cavanaugh stated that there may be a couple of hundred thousand dollars left in the \$5 million fund, but discussion of that would not continue tonight.

Mayor Waterman stated that since his motion did not pass, he did not need to have additional discussion on agenda item #5G. Chair Cavanaugh noted that agenda item #5H had been omitted from the consent agenda motion. He called for a motion on agenda items #5G and #5H. Councilmember Esser moved, Mayor Barrett seconded, and it was unanimously carried to approve agenda items #5G and #5H.

#### 5G. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2007-2011 MAG Transportation Improvement Program. The proposed amendment includes the addition of two City of Phoenix federal-aid bridge projects at various locations for FY 2007. In addition, the amendment includes ten federal-aid projects for the paving of dirt roads and shoulders in the Maricopa PM-10 Nonattainment Area for FY 2007. The projects may be categorized as exempt from conformity determinations. Comments on the conformity assessment were requested by July 20, 2007. This item was on the agenda for consultation.

#### 5H. Finding of Conformity for the Draft FY 2008-2012 MAG Transportation Improvement Program and Draft Regional Transportation Plan - 2007 Update

The Regional Council, by consent, approved the Finding of Conformity for the Draft FY 2008-2012 MAG Transportation Improvement Program and Draft MAG Regional Transportation Plan - 2007 Update. The Draft 2007 Conformity Analysis concludes that the draft Transportation Improvement Program (TIP) and the Regional Transportation Plan - 2007 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On June 18, 2007, a public hearing was conducted on the Draft TIP, Draft Regional Transportation Plan - 2007 Update, and Draft Conformity Analysis. The MAG Air Quality Technical Advisory Committee and the MAG

Management Committee recommended approval of the Draft 2007 MAG Conformity Analysis for the Draft FY 2008-2012 MAG Transportation Improvement Program and Draft Regional Transportation Plan - 2007 Update. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP.

6B. Approval of the Draft FY 2008-2012 MAG Transportation Improvement Program

Eileen Yazzie, MAG Transportation Program Manager, provided the Council with the highlights of the FY 2008-2012 Transportation Improvement Program. She said that each year, the Five Year Transportation Improvement Program (TIP) is updated. Ms. Yazzie noted that the FY 2008-2012 TIP reports on more than 1,400 projects throughout the region.

Ms. Yazzie reviewed the highway projects, which include street, bicycle, pedestrian, safety, freeway, Intelligent Transportation System (ITS), and bridge projects in the region. She advised that the two largest funding commitments are from local agencies, and the Regional Area Road Fund, which is the half cent sales tax. These sources account for 60 percent of the \$6.224 billion of committed highway project funds.

Ms. Yazzie reviewed the transit projects. She said that 48 percent of the funding for FY 2008-2012 transit projects come from 5307, 5309, 5310, and 5311 federal funds. In addition are the Public Transit Funds, which are the half cent sales tax funds designated for transit projects. She explained that these funds make up 35 percent of the total \$1.455 billion committed to fund transit projects in FY 2008-2012. Ms. Yazzie advised that the total project funding of \$1.455 billion is an increase of 23 percent over the FY 2007-2011 TIP.

Ms. Yazzie stated that the total funding commitment in FY 2008-2012 is about \$7.68 billion, which is an increase of 18 percent over the FY 2007-2011 TIP. Chair Cavanaugh thanked Ms. Yazzie for her report. No questions from the Council were noted. No requests for public comment were received.

Councilmember Esser moved approval of the Draft FY 2008-2012 MAG Transportation Improvement Program, contingent upon a finding of conformity of the TIP and Regional Transportation Plan - 2007 Update with applicable air quality plans. Mayor Bryant seconded, and the motion carried unanimously.

6C. Approval of the Draft MAG Regional Transportation Plan - 2007 Update

Roger Herzog, MAG Senior Project Manager, stated that the Draft MAG Regional Transportation Plan (RTP) - 2007 Update has been prepared to comply with the regional transportation planning requirements of the Federal Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A Legacy for Users (SAFETEA-LU). He stated that the Draft RTP 2007 Update addresses several new topics to respond to SAFETEA-LU, including consultation on environmental mitigation and resource conservation, transportation security, and an updated public participation process.

Mr. Herzog stated that the 2007 Update includes revised revenue estimates, and updated life cycle programs for freeways/highways, arterial streets, and transit. He stated that costs are currently in balance with expected revenues for all Life Cycle Programs. Mr. Herzog advised that major cost issues are expected in the future as scoping, design concepts and environmental assessments are completed.

Mr. Herzog stated that the Draft 2007 Update was approved by the Regional Council for air quality conformity analysis on April 25, 2007. A technical conformity analysis was performed on the Draft 2007 Update and the Draft MAG FY 2008-2012 TIP, and demonstrated that they meet all air quality conformity requirements. Mr. Herzog noted that the final phase public hearing was conducted on the Draft RTP 2007 Update, the Draft FY 2008-2012 MAG TIP, and the Air Quality Conformity Analysis. He noted that the Air Quality Technical Advisory Committee recommended approval of the finding of conformity. Chair Cavanaugh thanked Mr. Herzog for his report. No questions from the Council were noted. No requests for public comment were received.

Mayor Barrett moved approval of the Draft MAG Regional Transportation Plan (RTP) - 2007 Update, contingent upon a finding of conformity of the RTP and TIP with the applicable air quality plans. Councilmember Neely seconded, and the motion carried unanimously.

7. Regional Heat Relief Planning Efforts

Phoenix City Councilmember Greg Stanton, Chair of the MAG Continuum of Care Regional Committee on Homelessness, addressed the Council on recent efforts for providing heat relief to homeless people. Councilman Stanton noted that the Continuum of Care is the committee that annually conducts the Stuart B. McKinney application for submission to the Department of Housing and Urban Development. He advised that the MAG region receives more benefits than the national average, which has much to do with the MAG process and the assistance of MAG staff, Amy St. Peter and Brande Mead.

Councilman Stanton said that over the last two years, homeless people died as a result of the heat. Because of lessons learned from these unfortunate events, there has been more coordination of effort with emergency management groups. Councilman Stanton stated that the Continuum of Care Committee developed two maps: one that shows water collection/donation sites and one that shows water hydration/refuge stations. He stated that the maps would be distributed throughout the region and requested that members post the maps on their websites and distribute them to first responders and nonprofit organizations.

Councilman Stanton reported that a plea for donations of water was sent out. He expressed his appreciation for the substantial response received from across the region. Councilman Stanton stated that donations of personal items, such as socks, underwear, tee shirts, etc., are also needed. He said that he felt confident the region would be better prepared this year for the heat. Chair Cavanaugh thanked Councilman Stanton for his report to the Council and work on this effort.

8. Regional Office Center Update

Marlene Pontrelli, MAG General Counsel, provided an update on the status of the Regional Office Center, in particular, the purchase of the land. Ms. Pontrelli stated that on July 9, 2007, the Executive Committee authorized MAG to secure an appraisal on the McKinley and 1st Avenue site; to sign a letter of intent with the land owner; to execute an agreement with the Regional Public Transportation Authority (RPTA) and Valley Metro Rail (VMR) regarding their financial participation in the Regional Office Center, and to authorize the Executive Committee to cancel the letter of intent and purchase of

the land parcel in the event that any contingencies set forth in the letter of intent and subsequent purchase and sale agreement are not met.

Ms. Pontrelli stated that since the Executive Committee meeting, questions were raised as to the ability to meet the closing deadline on October 25, 2007. She indicated that they were able to negotiate with the property owner and at the parties' discretion, the partnering agencies have the option to extend the closing date to December 27, 2007, based on payments of \$25,000 for each 30-day period, which can be credited toward the purchase price.

Ms. Pontrelli stated that another issue that arose is the concern over forcing the land owner to develop the residential piece of the property. She reported that he is willing to enter into an agreement to sell the property to the parties or other entities if he does not conform to the development schedule.

Chair Cavanaugh stated that the requested motion was to ratify the July 9, 2007 Executive Committee action to authorize MAG to secure an appraisal on the McKinley and 1st Avenue site; to sign a letter of intent with the land owner, to execute a memorandum of cooperation with the Regional Public Transportation Authority (RPTA) and Valley Metro Rail (VMR) regarding their financial participation in the Regional Office Center, to authorize the Executive Committee to cancel the letter of intent and purchase of the land parcel in the event that any contingencies set forth in the letter of intent and subsequent purchase and sale agreement are not met.

Mr. Smith added that clarification could be added to the requested motion to include the option to extend the closing date to December 27, 2007, based on payments of \$25,000 for each 30-day period which can be credited toward the purchase price. Ms. Pontrelli commented that this additional line affords benefit without penalty to the partnering agencies.

Chair Cavanaugh asked how this would modify the requested motion. Ms. Pontrelli replied that it would not modify the requested motion, just the memorandum included in the agenda packet.

Mayor Berman expressed that he felt this project was grossly overpriced. He acknowledged the importance of a safe place for employees, but commented that this was similar to purchasing Mercedes Benz's for the police fleet because they are safe vehicles. Mayor Berman stated that government buildings do not belong on land that costs \$6.2 million per acre. He added that other parcels of land throughout the Phoenix area adjacent to light rail are a fraction of that cost. Mayor Berman expressed concern that the Legislature will cast the partnering agencies as irresponsible and having more money than sense. He stated that the land may be worth the price, but no city or town would spend that amount of money on its own building.

Mayor Hawker stated that he had chaired the Building Lease Working Group and that he himself was surprised at the cost. He said that comparative prices were examined and one lot at 44th Street and Washington was less expensive; however, he felt that if an \$80 million building is being constructed, why scrimp \$2 or \$3 million on the land cost? Mayor Hawker stated that he felt the building should be built where good employees can be retained in a safe work environment. He said that MAG can continue to be a tenant and be at the mercy of landlords, or it could establish itself as an agency that shares resources with other agencies, such as staff, security, parking, and meeting space, to make it more

efficient. Mayor Hawker stated that his city is a member of all three agencies and he felt the city could get a better deal by locating all three agencies together. He expressed his support for the Regional Office Center project and stated that over time, costs equalize out and it is more cost effective to own than lease. Mayor Hawker stated that this was a good project and he supported it.

Mayor Shafer moved ratification of the July 9, 2007 Executive Committee's action to authorize MAG to secure an appraisal on the McKinley and 1st Avenue site; to sign a letter of intent with the land owner, to execute a memorandum of cooperation with the Regional Public Transportation Authority (RPTA) and Valley Metro Rail (VMR) regarding their financial participation in the Regional Office Center, to authorize the Executive Committee to cancel the letter of intent and purchase of the land parcel in the event that any contingencies set forth in the letter of intent and subsequent purchase and sale agreement are not met. Councilmember Neely seconded, and the motion carried, with Mayor Berman voting no.

10. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Bryant reported that last week, the Forbes list of the top ten fastest growing urban cities/towns in America was released. He noted that four of the ten are in the region's West Valley: Surprise, Goodyear, Avondale, and Buckeye. Mayor Bryant added that on this list, the Town of Buckeye was ranked number two in the nation.

There being no further business, the Regional Council meeting adjourned at 6:05 p.m.

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Chair

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Secretary